

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

PATRICK WILKERSON, SR.,

Plaintiff,

Case No. 3:24-cv-114

vs.

MELANIE PHELPS-POWERS, *et al.*,

Defendants.

District Judge Michael J. Newman

Magistrate Judge Peter B. Silvain, Jr.

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**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. No. 2); (2) DISMISSING PLAINTIFF'S OFFICIAL CAPACITY CLAIMS AGAINST DEFENDANTS MELANIE PHELPS-POWERS AND LISA BRUDER; (3) DISMISSING PLAINTIFF'S CLAIMS 7-10, 12, AND 13 (Doc. No. 1-1 at PageID 20-22, 24-25); AND (4) PERMITTING PLAINTIFF'S CLAIMS 1-6, 11, AND 14 TO PROCEED (Doc. No. 1-1 at PageID 14-20, 23, 25)**

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The Court has reviewed the Report and Recommendation of Magistrate Judge Peter B. Silvain, Jr. (Doc. No. 2), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Upon careful review of the foregoing, and accepting as true Plaintiff Patrick Wilkerson, Sr.'s *pro se* allegations in his favor<sup>1</sup>, the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge (Doc. No. 2) in its entirety; (2) **DISMISSES** Plaintiff's official capacity claims against Defendants Melanie Phelps-Powers and Lisa Bruder; (3) **DISMISSES** Claims 7-10, 12, and 13 (Doc. No. 1-1 at PageID 20-22, 24-25); and (4) **PERMITS** Claims 1-6, 11, and 14 to proceed (Doc. No. 1-1 at PageID 14-20, 23, 25).

**IT IS SO ORDERED.**

July 18, 2025

s/Michael J. Newman

Hon. Michael J. Newman

United States District Judge

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<sup>1</sup> As with all *pro se* litigants, Plaintiff's documents and allegations are liberally construed in his favor. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*).